REMARKS/ARGUMENTS

In light of the above-amendments and remarks to follow, reconsideration and allowance of this application are requested.

Claim 12 has been canceled and claims 1, 13, 22, 31 and 32 have been amended herein. Accordingly, claims 1-11, 13 and 22-32 are presented for consideration.

Claims 1-13 and 22-32 have been rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,119,101 (Peckover). Claim 12 has been canceled, thereby obviating the rejection of this claim. Applicants respectfully traverse the rejection as to the remaining claims.

Peckover relates to a system for electronic commerce having personal agents that represent and assist the activities of consumers and providers within an electronic virtual marketplace. (col. 1, lines 16-18; Abstract) Contrary to the Examiner's assertion, Peckover does not teach or suggest "selecting one of said product/service criteria selected by said consumer as a ranking parameter by said consumer," as originally called for in amended claims 1, 13, 22 and 32. In fact, in col. 19, lines 3-21, Peckover describes that "A Preference Manager function 54 maintains data about the preference of the user. Preferences indicate items of interests to the user ... Preference Manager 54 uses preference data to order search results, so that items that are more likely to be preferred by the user will be displayed first when the results are delivered to the user." Whereas in the present invention, the consumer selects various search criteria for a particular product/service category, e.g., the consumer can select the following search criteria for product category (automobile): four door sedan, ABS braking system, legroom, price, trunk volume, gas mileage. The consumer then selects one or more of the selected search criteria as the ranking parameter, e.g., display the search results based on price. (see Specification, page 12, line 27 to page 13, lines 13) Accordingly, contrary to the Examiner's assertion, it is respectfully submitted that Peckover does not teach or suggest a method wherein the consumer selects the ranking parameter from one of the product/service criteria that the consumer selected as the search criteria.

In addition, only the present invention teaches a method for obtaining consumer preferences without collecting or maintaining information identifying or specific to the consumer, as required in amended claims 1, 13, 22 and 32. This enables the present invention to collect market research data of consumer preferences while advantageously preserving the privacy of the consumer. In direct contrast, Peckover describes that the "Personal Agent" stores and learns the preferences of its human owners (col. 14, lines 37-38) "Consumer Personal Agent 12, via its internal functions, maintains the user's preferences and other data about the user, some of which is protected from unauthorized access." (col. 18, lines 36-39) In the present invention, there is no issue with "unauthorized access" because information identifying or specific to a consumer is not collected or maintained. In fact, as admitted by the Examiner, Peckover describes storing consumer preferences including "demographic" data, such as whether the user is a homeowner, the user's gender, the user's age group, etc. (Office Action, page 5, lines 14-21 citing col. 19, lines 6-8 of Peckover) Therefore, Peckover does not have the capability of collecting market research data of consumer preferences without collecting or maintaining information identifying or specific to the consumer, as required in amended claims 1, 13, 22 and 32.

Of course, a rejection based on 35 U.S.C. §102(e) requires that the cited reference disclose each and every element covered by the claim. *Electro Medical Systems S.A. v. Cooper Life Sciences Inc.*, 32 USPQ2d 1017, 1019 (Fed. Cir. 1994); *Lewmar Marine Inc. v. Barient Inc.*, 3 USPQ2d 1766, 1767-68 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988); *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir.), *cert. denied*, 484 U.S. 827 (1987). The Federal Circuit has mandated that 35 U.S.C. §102 requires no less than "complete anticipation ... [a]nticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim." *Connell v. sears, Roebuck & Co.*, 772 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983); *See also, Electro Medical Systems*, 32 USPQ2d at 1019; *Verdegaal Bros.*, 814 F.2d at 631.

In view of the foregoing differences and authorities, it is respectfully submitted that Peckover does not anticipate or render obvious the invention as recited in claims 1, 13, 22 and 32, and therefore, claims 1, 13, 22 and 32 are patentably distinct over this prior art. It is

respectfully requested that the rejection of claims 1, 13, 22 and 32 under 35 U.S.C. §102(e) be withdrawn.

Since claims 2-11 and 23-31 depend from claims 1 and 22, the foregoing discussion of claims 1 and 22 is equally applicable to claims 2-11 and 23-31 and is believed to obviate the rejection of claims 2-11 and 23-31.

Further, Peckover does not teach or suggest "selecting a range for each criteria selected by said consumer," as required in claims 5 and 26.

Furthermore, Peckover is not suggestive of controlling the display of the selected products or services to enable the consumer to virtually investigate or examine the selected product, as required in claims 6, 7, 27 and 28.

Statements appearing above in respect to the disclosures in the cited references represent the present opinions of the Applicant's undersigned attorney and, in the event that the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

Applicant's representative agrees with the Examiner's implicit finding that the prior art made of record and not relied upon is not as relevant to the claimed invention as Peckover.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0624, under Order No. NY-JONAS 203.1 US (10103964) from which the undersigned is authorized to draw.

Respectfully submitted,

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